In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.23874-M of 2007

.....

Date of decision:5.7.2007

Pal Singh alias Pala

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Rahul Vats, Advocate for the petitioner.

Mr. I.P.S. Sidhu, Senior Deputy Advocate General, Punjab for the respondent-State.

.....

S.S. Saron, J. (Oral)

Heard learned counsel for the parties.

ASI Manjit Singh along with other Police officials was present near Sirhind Canal Bridge Daburji on 12.12.2004. A secret information was received there that the petitioner and Jagga Singh, Bhinder and one another person carrying poppy husk would be passing that way in a black car. A barricade (Naka) was set up and the car was signalled to stop. The four persons got out of the car and ran towards the fields. They were identified by HC Teja Singh. After search of the car six plastic bags containing 25 Kgs. of poppy husk i.e. 150 Kgs. of poppy husk were recovered. The petitioner was arrested on 6.12.2006 i.e. after about two years of the alleged occurrence. The petitioner belongs to Bagarian and the case has been registered at Police Station Payal.

The trial in the case is likely to take some time. It is not the case of the prosecution that the petitioner is habitual in the commission of

the offence under the NDPS Act, 1985. The facts and circumstances of the case would warrant that the petitioner is granted the concession of regular bail keeping in view the nature of allegations and the fact that he was not apprehended from the spot but was arrested after about two years of the occurrence.

In the circumstances, the petitioner on furnishing personal bond and surety to the satisfaction of learned Chief Judicial Magistrate, Ludhiana shall be admitted to bail.

The criminal miscellaneous petition stands disposed of.

July 5, 2007. **(S.S. Saron)**
Judge

hsp